IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO.643 OF 2006

Shri Shamrao B. Jadhav ...Appellant

v/s

Shri Dhondiram T. Jadhav and ors. ...Respondents

Mr A.C. Singh i/b Mr Sandesh D. Patil for Appellant.

Ms Manisha Shekhar for Respondent Nos.1 to 3.

CORAM : D.K. DESHMUKH J.

DATE : 20TH JULY 2007.

P.C. :-

1. It is apparent that the appellant - plaintiff was claiming that he has 1/2 share in the property. He was claiming that his father had left behind the will leaving entire property i.e. 1/2 share of the property in favour of the plaintiff. If the plaintiff was claiming 1/2 share in the property only on the basis of the will, it was for him to join his brother who was admittedly entitled to share in the property equally with the plaintiff in the absence of the will as a party to the suit and claim a declaration about the validity of the will. The appellant did nothing, therefore, I do not find any error committed by the Courts below. In any case, there is no substantial question of law arising in this appeal. Appeal is rejected. Civil application No.1356 of 2006 is disposed off.

. Parties to act on the copy of this order duly authenticated by the Sheristedar / Private Secretary as true copy.

. Certified copy expedited.